

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

THOMAS LOVATO,

Plaintiff,

v.

No. CIV 12-1278 MV/KBM

MR. BEAIRD, WARDEN,
MR. HORTON, WARDEN,

Defendants.

ORDER

This matter is before the Court on a letter from Plaintiff (Doc. 20) that was entered on the docket as a motion for reconsideration. The letter-motion challenges the interlocutory order of March 25, 2013, that dismissed Plaintiff's claims against Defendants Mueller, Hawk, and Ricci. It appears from Plaintiff's letter that he believes the March 25 order was a final order dismissing his entire case. *See Guttman v. New Mexico*, 325 F. App'x 687, 690 (10th Cir. 2009) ("motion to reconsider the district court's non-final order 'was . . . an interlocutory motion invoking the district court's general discretionary authority to review and revise interlocutory rulings prior to entry of final judgment.' ") (citation omitted).

Plaintiff alleges that he "never received notices regarding any information on these cases." According to the docket, however, beginning on March 14, 2013 (Doc. 8)--before entry of the challenged order--all filings in this case have been mailed to Plaintiff at the address indicated in his letter-motion. Because the complaint was not dismissed, and because Plaintiff does not challenge the Court's reasons for dismissing claims against Defendants Mueller, Hawk, and Ricci, the Court will deny his request for reconsideration.

After the other Defendants were dismissed, Defendants Beaird and Horton appeared and moved for dismissal of Plaintiff's claims against them. Plaintiff failed to respond to the motion, and a ruling on the motion has not yet issued. The Court will allow additional time for filing a response.

IT IS THEREFORE ORDERED that Plaintiff's letter-motion for reconsideration (Doc. 20) is DENIED;

IT IS FURTHER ORDERED that, within fourteen (14) days from entry of this order, Plaintiff shall file a response to Defendants' motion to dismiss (Doc. 15); within fourteen (14) days from service of Plaintiff's response, Defendants may file an amended reply; and the Clerk is directed to send Plaintiff a copy of the motion to dismiss (Doc. 15).


UNITED STATES CHIEF MAGISTRATE JUDGE